

First Principles.

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FBI LEGISLATION

In This Issue: The Case for a Legislated FBI Charter
JERRY J. BERMAN

Coming: July and August: First Principles will not be published
September: Grand Juries

Protecting First Amendment Rights
in FBI Criminal Investigations
MORTON H. HALPERIN

May 10, 1976 In a supplement to its Final Report on Intelligence Operations, the Senate Intelligence Committee disclosed that the National Security Agency has maintained files on at least 75,000 American citizens. According to the report, the files contained sensitive personal information gathered from the agency's monitoring of communications, reports from other intelligence agencies, and newspaper clippings. The files were kept until 1974, when they were destroyed because NSA explained later "their usefulness did not justify the costs in time and money and storage space." Other disclosures revealed that the NSA still picks up the international messages of many Americans and that the NSA had conducted at least eight break-ins in the late 1950's and early 1960s to plant bugging devices.

May 12, 1976 The Deputy Attorney General Harold R. Tyler announced that the Justice Department will not defend two FBI agents who are defendants in a civil lawsuit filed by the Socialist Workers Party arising from the burglaries of the SWP's New York City offices — 92 known FBI burglaries of the SWP and affiliated organizations occurred on the

average of once every three weeks from 1960 to 1966. Tyler reportedly felt that it would involve a conflict of interest for the Justice Department to defend an activity that might eventually bring criminal prosecution in separate cases. (5/12/76, *New York Times*, p. 10)

May 13, 1976 In response to evidence of a "special relationship" between newswoman Jacque Srouji of the *Nashville Tennessean* and the FBI, publisher John Siegenthaler warned fellow publishers and editors that "FBI news sources may in fact be a two way conduit through which the bureau may seek to raise questions about the internal affairs of newspapers and the politics and ideologies of the people who work for them." Testimony before the Subcommittee on Energy and Environment of the House Small Business Committee has indicated that Srouji had access to "highly sensitive documents" from the FBI investigation concerning the death of Karen Silkwood, the nuclear technician who raised questions about the safety of the plutonium facility in which she worked. The Subcommittee has begun to focus on Ms. Srouji's extensive access to FBI

files, her motives for contacting the subcommittee and the apparent parallel between this affair and the FBI's Cointelpro program under which public figures such as Martin Luther King were discredited. (5/15/76, *New York Times*)

May 13, 1976 The Center for National Security Studies released CIA documents related to foreign assassinations and made available through a Freedom of Information Act lawsuit sponsored by the American Civil Liberties Union. The documents earlier had been given to the Rockefeller Commission and the Senate Intelligence Committee. (*Washington Post*, 5/14/76, p. A23)

June 3, 1976 In a letter to Senate leadership, Director of Central Intelligence Bush announced that his agency would resume the destruction of administrative records and "records which were subject to investigation by the Rockefeller Commission and the Select [Church] Committee." Destruction had been halted during the Rockefeller and congressional investigations. The destruction of many of the CIA files is necessary, Bush claimed, in order to comply with the Privacy Act of 1974. (*New York Times*, 6/4/76)

In The News

It is at all times necessary, and more particularly so during the progress of a revolution and until right ideas confirm themselves by habit, that we frequently refresh our patriotism by reference to first principles.

THOMAS PAINE